

# VOTERS NOT POLITICIANS

**Date:** April 22, 2024

**To:** **Michigan House Elections Committee:** Rep. Penelope Tsernoglou (Chair), Rep. Dylan Wegela (Majority Vice Chair), Rep. Rachelle Smit (Minority Vice Chair), Rep. Kara Hope, Rep. Matt Koleszar, Rep. Erin Byrnes, Rep. Jaime Churches, Rep. Jay DeBoyer

**Michigan Senate Elections and Ethics Committee:** Sen. Jeremy Moss (Chair), Sen. Paul Wjono (Majority Vice Chair), Sen. Ruth Johnson (Minority Vice Chair), Sen. Sylvia Santana, Sen. Mallory McMorro, Sen. Stephanie Chang, Sen. Edward McBroom

**Michigan Bureau of Elections:** Jonathan Brater (Director)

**Michigan Board of State Canvassers:** Mary Ellen Gurewitz (Chair), Richard Houskamp (Vice Chair), Jeannette Bradshaw, Anthony Daunt

**Michigan Department of State:** Erin Schor (Legislative Policy Director)

**Promote the Vote:** Melanie Macey (Policy Counsel)

**From:** Jamie Lyons-Eddy, Executive Director of Voters Not Politicians

**Subject:** Proposed changes to the citizen initiative process in Michigan

## Summary

Voters Not Politicians, as the strongest grassroots signature-collecting organization in Michigan:

- Supports proposals by the Bureau of Elections to codify the use of random statistical sampling to validate petitions and to require substantial (rather than strict) compliance of petitions to form.
- Strongly opposes moving forward the deadlines for both statutory and constitutional amendment initiative petitions. The loss of productive warm-weather signature gathering would significantly diminish Michigan citizens' right to direct democracy. Other solutions to administrative challenges should be implemented instead.
- Urges that the requirement for separate county-specific petition sheets be dropped for statewide initiative petitions. Now that signatures are checked against the qualified voter file, rather than manually by county clerks, county sheets are not necessary. This outdated requirement makes signature collection much more difficult, increases the likelihood of signer error, and wastes an enormous amount of paper, while serving no purpose whatsoever.
- Advocates for a longer signature collection window to remove barriers to grassroots signature gathering efforts. Of the 24 states where citizens have the power to take laws or amendments to the ballot, Michigan has one of the shortest collection periods.

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# VOTERS NOT POLITICIANS

## Background

Voters Not Politicians (VNP) is a leader in Michigan grassroots petition drives. We brought together more than four thousand volunteers to collect over 428,000 signatures, which were submitted to the Bureau of Elections in December of 2017, for a constitutional amendment initiative which eventually established Michigan's citizen-led independent redistricting process. As part of the Promote the Vote 2022 coalition, 2300 of our volunteers collected more than 170,000 signatures for the constitutional amendment initiative that went on to pass overwhelmingly as Proposal 22-2, expanding and protecting voting access in our state.

Paid signature collection for petitions has become increasingly expensive in recent years. And when the per-signature price goes up, so does the incentive for the kind of signature fraud that led to the disqualification of several gubernatorial candidates in Michigan in 2022.

VNP is not against paid signature gathering, but we are protective of volunteer efforts like ours, and will continue to support policies that encourage true grassroots initiatives and oppose those that would discourage or eliminate them. The people of Michigan have a constitutional right to direct democracy. Our initiative and referendum laws were clearly intended to give citizens a voice in our government.

[House Joint Resolution P](#) and accompanying legislation were introduced in mid-March, and the Board of State Canvassers appeared before the House Elections Committee on March 19 to discuss their recommendations. This memo is VNP's response to both.

## Statistical sampling and “substantial” compliance to form

Voters Not Politicians supports bills that would codify the Bureau of Elections practice of using statistical random sampling methodology to establish sufficiency and validity of statewide initiative petitions. This practice, which is well-grounded in mathematics and is in use across almost every known field, has been used for statewide initiatives in Michigan for decades. (VNP does not have a position on the use of random sampling for nominating petitions, which fall outside our scope.)

VNP also supports House Bill 5571 which would make clear that petitions must “substantially” follow the form called for in statute. The “strict” compliance standard that has been in effect for over a decade has enabled many frivolous and/or politically motivated challenges to citizens' initiatives. It simply doesn't make sense for an initiative to be rejected because of a font size or placement of a printer's mark. What matters, of course, is that signers know what they are signing, that circulators attest to following the law, and that adequate information is collected to validate signatures.

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## Petition submission deadlines

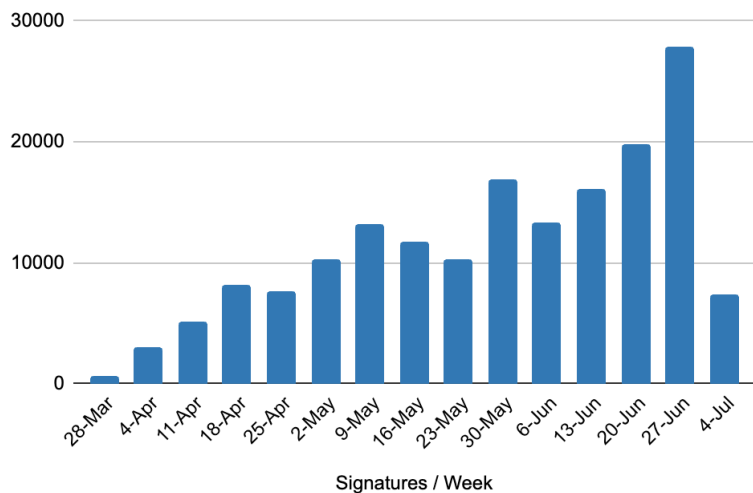
VNP acknowledges that processing large numbers of signatures in a short period of time before ballots must be printed is burdensome for the Bureau of Elections. We support measures to reduce this administrative burden, including eliminating the process of “face checking” every petition sheet. Using the same language for the petition summary and ballot language would also save time and preserve the ability of the public to inspect and challenge petition signatures.

Moving the deadlines is not a good solution, however. Earlier deadlines would interfere with Michigan citizens’ right to direct democracy and diminish the ability of grassroots groups to participate. Moving the constitutional amendment deadline up by 40 days removes the productive month of June and the beginning of July, including the holiday weekend. Moving the statutory initiative deadline up by 40 days would place the entire 180-day window in the most difficult part of the year to collect signatures. It’s been suggested that citizens can simply collect signatures earlier in the cycle, as VNP did in 2017, but it’s not reasonable to effectively *require* this kind of advance planning, particularly by citizen-led groups, in order to solve an administrative problem.

When it comes to collecting signatures, the time of year matters. From May to October, Michigan’s average high temperature is 64 degrees, but from November to April it averages just over 30 degrees. (See Appendix A.) Circulators can only stay outside for short periods of time in the cold, and people are far less likely to be willing to stop to listen and to remove gloves to sign a petition. Just as importantly, opportunities to find people moving around outdoors, like fairs, festivals, and farmers’ markets, are far more common in May through October than in the colder months.

Beyond these common-sense reasons, VNP can demonstrate the effect of time of year on signature collection. For tracking purposes, our volunteers log completed petition sheets in a database. Our data shows that signature collection peaks from June through September, and is much slower before and after those months. As shown at right, VNP started collecting signatures for Promote the Vote 2022 in early April. By the end of May, after two months, volunteers had collected about 61,000 signatures, but our volunteers went on to collect 106,000 signatures in just the month of June.

Proposal 22-2 VNP volunteer signatures by week



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Some of the weekly increase shown in the chart on the previous page can be attributed to a normal ramp-up of volunteer recruitment and training, but time of year is more significant. In our 2017 petition drive for redistricting reform, which began in late August, we collected our maximum number of weekly signatures in the fourth week of signature collection. After that, weekly rates generally fell as the weather cooled and events slowed.

## County designation for statewide petition sheets

[HB 5575](#) would strike out the 15% congressional district requirement that was inserted after PA 608 but later struck down as unconstitutional. Of course, VNP agrees with removing this reference to congressional districts, but the legislature should also take this opportunity to remove the requirement that statewide initiative petition sheets be separated by county.

There is no current reason for the county designation on statewide petitions. It's a holdover from the days before the Qualified Voter File, when physical sheets had to be sent to county clerks to be verified. Now, signatures are validated against the voter file, from a computer anywhere in the state. If there's another advantage - such as assisting the BOE in finding voters - the signer's county of registration could be included as an additional field on the sheet. But this is probably more likely to disenfranchise voters than to help them, and ZIP codes should work just as well.

County-specific sheets slow down signature collection, waste a huge amount of paper, and disenfranchise voters who either cannot sign (because the circulator does not have enough petition sheets to start a new one for them) or inadvertently sign on the wrong county sheet.

We surveyed more than 50 of our volunteers who collected signatures for Proposal 18-2, Proposal 22-2, and other petition drives. 78% of them reported handling at least five counties at a time, and 28% said they had to handle more than ten. Handling large numbers of county sheets is most common when circulating petitions at large events like the Detroit fireworks or anywhere in the summer in popular tourist destinations like Traverse City.

Our volunteers used multiple methods to deal with county-specific petition sheets. Most used sticky notes, and some used multiple clipboards. Commonly, circulators worked with partners and would send signers to a circulator who had that specific county sheet started. Even with these creative approaches, county-specific sheets waste valuable time and increase the likelihood that a potential signer will make a mistake or move on without signing.

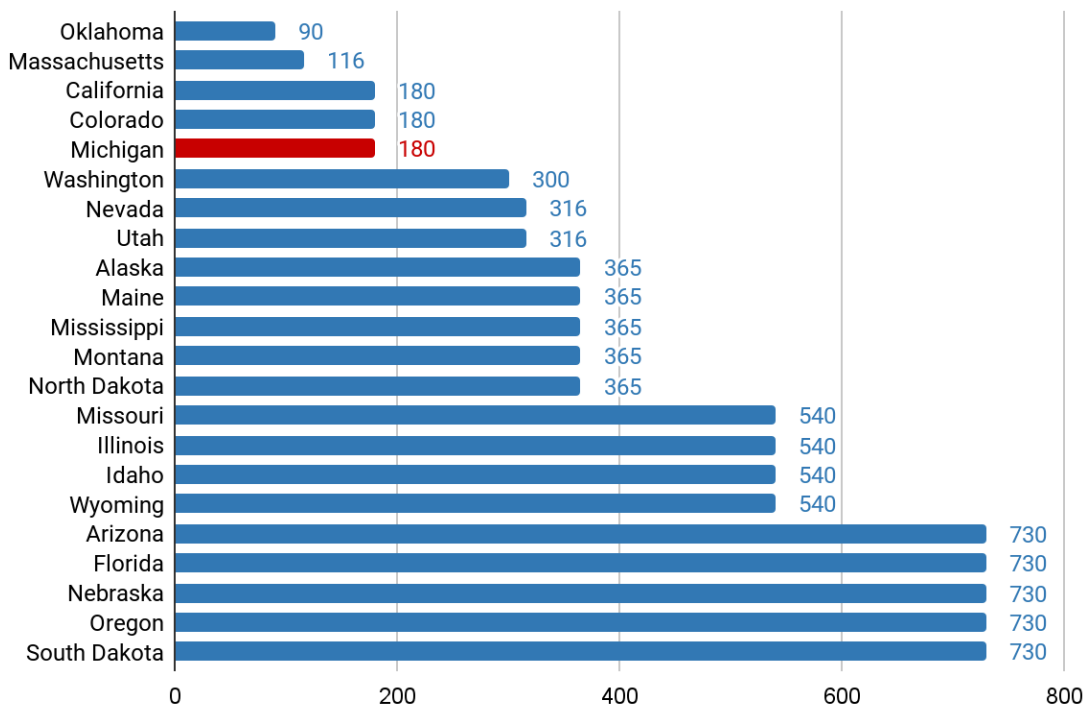
One of our volunteers shared: *“One weekend when I was canvassing at the Kalamazoo Farmers Market, I brought along what I thought was enough forms for everyone. But at one point, a family came up that had folks visiting from around the state so I used maybe 5 forms for 10 people because they were all from different counties. I didn't want to tell them they couldn't sign, but as a result, I used a lot of my forms and had to go home early even though I had dozens of blank spaces on the forms for the counties up north that only had one or two names on them.”*

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## Signature collection period

Michigan's signature collection period is shorter than that of most states that provide for citizen initiatives. Of the twenty-four states that provide for citizen-initiated statutes or constitutional amendments, only two states have a shorter signature collection period than Michigan. Nineteen states have longer maximum collection periods, including Ohio and Arkansas, which have deadlines for submitting signatures but no limit on the window of time in which they must be collected.

Maximum days to circulate petitions by state

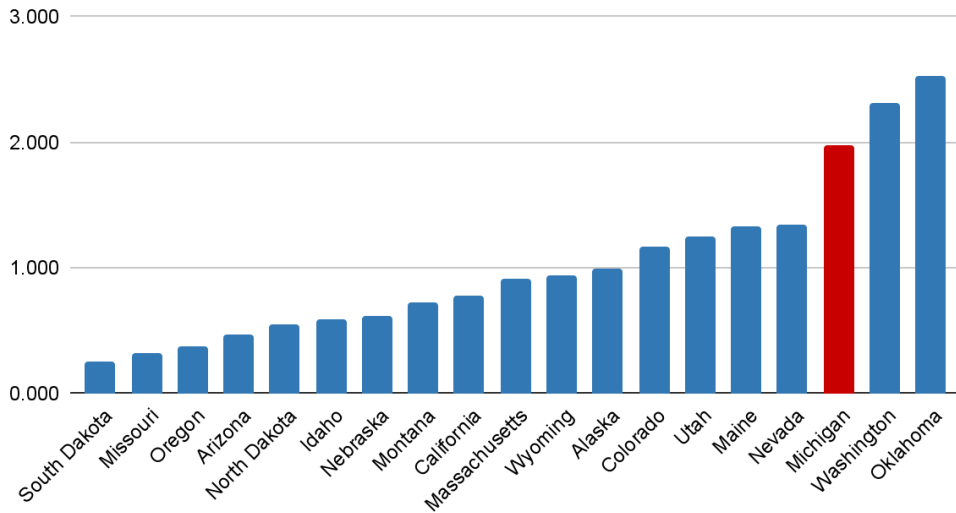


Maximum days to circulate petitions (Source: Ballotpedia)

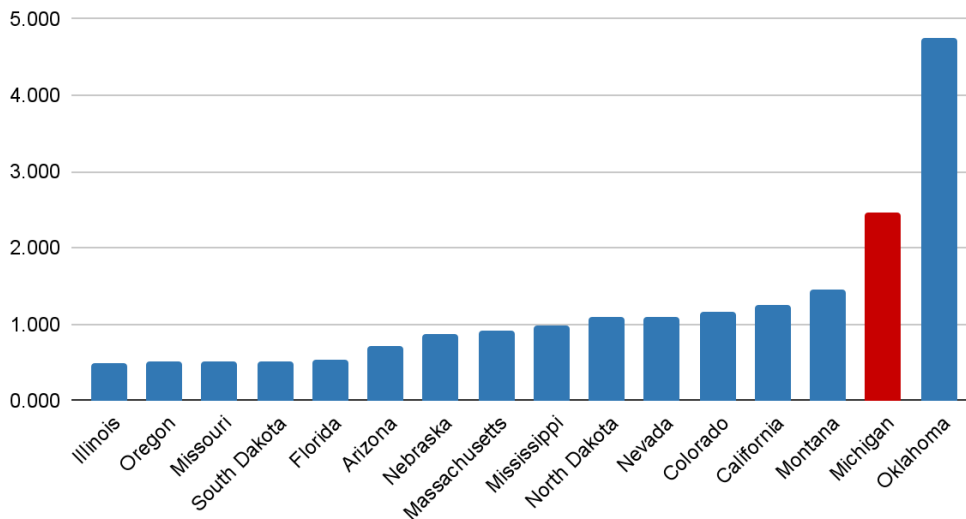
Because signature requirements and state populations differ significantly, it's helpful to look at signature collection period limits in a different way. If you compare the number of signatures that must be collected per 10,000 people per day, Michigan's signature collection hurdle is higher than all but Oklahoma (for both constitutional amendment and statutory initiatives) and Washington (for statutory initiatives.) See the following page for charts, and Appendix B for details on how these values were calculated.

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Signatures required per 10,000 people per day (Statute)



Signatures required per 10,000 people per day (Amendment)



We believe that the signature collection period should start after each November statewide election and end at the current deadlines of 160 and 120 days before the next statewide election. Approximately eighteen months of signature collection would give grassroots groups a realistic opportunity to put laws or constitution amendments on the ballot, while maintaining appropriately high requirements (of 8% and 10%, respectively, of the number of votes cast in the most recent gubernatorial election) which ensure broad public support.

# VOTERS NOT POLITICIANS

## Appendix A: Average Michigan high temperatures by month

| Month     | Average High Temperature |
|-----------|--------------------------|
| January   | 24°                      |
| February  | 26°                      |
| March     | 36°                      |
| April     | 48°                      |
| May       | 59°                      |
| June      | 68°                      |
| July      | 72°                      |
| August    | 70°                      |
| September | 62°                      |
| October   | 51°                      |
| November  | 40°                      |
| December  | 29°                      |

Average of monthly average high temperatures May - October: 64°

Average monthly average high temperatures November - April: 30.5°

Source:

<https://weatherspark.com/y/16081/Average-Weather-in-Michigan-Center-United-States-Year-Round>

# VOTERS NOT POLITICIANS

## Appendix B: Calculating signatures required per 10,000 people per day

The states that provide for direct democracy vary in the number of signatures required, signature collection periods, and population. Calculating the number of signatures required per 10,000 people per day allowed a consistent value for comparison. Note that no values were calculated for the states of Ohio and Arkansas, which do not limit the signature collection period.

### Sources:

- State population was pulled from [Stats America](#), which uses U.S. Census data.
- Signature requirements by state came from [Ballotpedia’s “Signature requirements for ballot measures.”](#)
- Signature gathering periods are from [Ballotpedia’s “Length of signature gathering periods for ballot initiatives.”](#) except for Wyoming, which was left out of their summary, and so was accessed at [their “Laws Governing the Ballot Process in Wyoming” page.](#)
- All web sources were accessed between April 4 and April 14, 2024.



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## Appendix B, Continued: Calculating Signatures Required Per 10,000 People Per Day

| State         | Population | Constitutional Amendment Initiative |                       |               |                               |                                      | Citizen Initiated Statute |                       |               |                               |                                      |
|---------------|------------|-------------------------------------|-----------------------|---------------|-------------------------------|--------------------------------------|---------------------------|-----------------------|---------------|-------------------------------|--------------------------------------|
|               |            | Signatures                          | Signatures per capita | Period (days) | Signatures per capita per day | Signatures per 10,000 people per day | Signatures                | Signatures per capita | Period (days) | Signatures per capita per day | Signatures per 10,000 people per day |
| Alaska        | 733,406    | N/A                                 | N/A                   | 365           | N/A                           | N/A                                  | 26,705                    | 0.0364                | 365           | 0.0000998                     | 0.998                                |
| Arizona       | 7,431,344  | 383,923                             | 0.0517                | 730           | 0.0000708                     | 0.7077                               | 255,949                   | 0.0344                | 730           | 0.0000472                     | 0.472                                |
| Arkansas      | 3,067,732  | 90,704                              | 0.0296                | no limit      | N/A                           | N/A                                  | 72,563                    | 0.0237                | no limit      | N/A                           | N/A                                  |
| California    | 38,965,193 | 874,641                             | 0.0224                | 180           | 0.0001247                     | 1.2470                               | 546,651                   | 0.0140                | 180           | 0.0000779                     | 0.779                                |
| Colorado      | 5,877,610  | 124,238                             | 0.0211                | 180           | 0.0001174                     | 1.1743                               | 124,238                   | 0.0211                | 180           | 0.0001174                     | 1.174                                |
| Florida       | 22,610,726 | 891,589                             | 0.0394                | 730           | 0.0000540                     | 0.5402                               | N/A                       | N/A                   | 730           | N/A                           | N/A                                  |
| Idaho         | 1,964,726  | N/A                                 | N/A                   | N/A           | N/A                           | N/A                                  | 62,895                    | 0.0320                | 540           | 0.0000593                     | 0.593                                |
| Illinois      | 12,549,689 | 328,371                             | 0.0262                | 540           | 0.0000485                     | 0.4845                               | N/A                       | N/A                   | 540           | N/A                           | N/A                                  |
| Maine         | 1,395,722  | N/A                                 | N/A                   | N/A           | N/A                           | N/A                                  | 67,682                    | 0.0485                | 365           | 0.0001329                     | 1.329                                |
| Massachusetts | 7,001,399  | 74,490                              | 0.0106                | 116           | 0.0000917                     | 0.9172                               | 74,490                    | 0.0106                | 116           | 0.0000917                     | 0.917                                |
| Michigan      | 10,037,261 | 446,198                             | 0.0445                | 180           | 0.0002470                     | 2.4697                               | 356,958                   | 0.0356                | 180           | 0.0001976                     | 1.976                                |
| Mississippi   | 2,939,690  | 106,190                             | 0.0361                | 365           | 0.0000990                     | 0.9897                               | N/A                       | N/A                   | N/A           | N/A                           | N/A                                  |
| Missouri      | 6,196,156  | 171,592                             | 0.0277                | 540           | 0.0000513                     | 0.5128                               | 107,246                   | 0.0173                | 540           | 0.0000321                     | 0.321                                |
| Montana       | 1,132,812  | 60,359                              | 0.0533                | 365           | 0.0001460                     | 1.4598                               | 30,179                    | 0.0266                | 365           | 0.0000730                     | 0.730                                |
| Nebraska      | 1,978,379  | 126,838                             | 0.0641                | 730           | 0.0000878                     | 0.8782                               | 88,787                    | 0.0449                | 730           | 0.0000615                     | 0.615                                |
| Nevada        | 3,194,176  | 102,362                             | 0.0320                | 291           | 0.0001101                     | 1.1013                               | 135,561                   | 0.0424                | 316           | 0.0001343                     | 1.343                                |
| North Dakota  | 783,926    | 31,164                              | 0.0398                | 365           | 0.0001089                     | 1.0891                               | 15,582                    | 0.0199                | 365           | 0.0000545                     | 0.545                                |
| Ohio          | 11,785,935 | 413,487                             | 0.0351                | no limit      | N/A                           | N/A                                  | 248,092                   | 0.0210                | no limit      | N/A                           | N/A                                  |
| Oklahoma      | 4,053,824  | 172,993                             | 0.0427                | 90            | 0.0004742                     | 4.7416                               | 92,263                    | 0.0228                | 90            | 0.0002529                     | 2.529                                |
| Oregon        | 4,233,358  | 156,231                             | 0.0369                | 730           | 0.0000506                     | 0.5055                               | 117,173                   | 0.0277                | 730           | 0.0000379                     | 0.379                                |
| South Dakota  | 919,318    | 35,017                              | 0.0381                | 730           | 0.0000522                     | 0.5218                               | 17,508                    | 0.0190                | 730           | 0.0000261                     | 0.261                                |
| Utah          | 3,417,734  | N/A                                 | N/A                   | N/A           | N/A                           | N/A                                  | 134,298                   | 0.0393                | 316           | 0.0001243                     | 1.243                                |
| Washington    | 7,812,880  | N/A                                 | N/A                   | N/A           | N/A                           | N/A                                  | 324,516                   | 0.0415                | 180           | 0.0002308                     | 2.308                                |
| Wyoming       | 584,057    | N/A                                 | N/A                   | N/A           | N/A                           | N/A                                  | 29,730                    | 0.0509                | 540           | 0.0000943                     | 0.943                                |